

GARY AURITT,)	
)	
PLAINTIFF)	
)	
v.)	CIVIL No. 2:18-cv-471-DBH
)	
SHANNON AURITT,)	
)	
DEFENDANT)	

The defendant has moved to dismiss the plaintiff's amended complaint "for lack of evidence and a [sic] claims which relief can not be granted." Mot. at 1 (ECF No. 68). As for the first ground, a motion to dismiss for lack of evidence is not appropriate at this stage of the proceedings where discovery has not been completed. Perhaps after discovery has closed, a motion for summary judgment will be appropriate, but the defendant needs to familiarize herself first with the requirements of Fed. R. Civ. P. 56 and District of Maine Local Rule 56. As for the second ground, the remainder of the defendant's one-page motion gives no basis to support a Rule 12(b)(6) motion to dismiss for "failure to state a claim upon which relief can be granted."

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE